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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,064	02/25/2004	Tatsuhiko Kosugi	3138.69864	9546
7590	06/29/2005		EXAMINER	
Patrick G. Burns, Esq. GREER, BURNS & CRAIN, LTD. Suite 2500 300 South Wacker Drive Chicago, IL 60606			KAPADIA, VARSHA A	
			ART UNIT	PAPER NUMBER
			2651	
DATE MAILED: 06/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/787,064	KOSUGI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Varsha A. Kapadia	2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 February 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-38 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-38 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/25/04 and 10/12/04

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

### **Priority Papers**

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### **Information Disclosure**

The information disclosure statement (IDS) submitted on 10/12/04 and 2/25/04 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### **Rejection Under 35 U.S.C. 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Blaum et al (6,288,861).

With regards to claims 1 and 7-12, Blaum et al discloses a storage apparatus 1, 3, 5a-5b and disclosure thereof) having plurality of round areas (see col.1 lines 6-16) on each of which a plurality of servo frames (see fig. 5a), the apparatus comprising:

An index bit storing section (see fig. 3, 5a, 5b disclosure thereof and col.5 line 56 to col.6 line 6; wherein Blaum et al also discloses storing sector bit as recited in claims 7-12); an index bit obtaining unit...(see fig.1 element 108; fig.4 elements 112-113 and 166 and disclosure

thereof and fig.3; wherein the read unit also detects sector bit as recited in claims 7-12); a storage area/position recognizing unit... (see col.7 lines 17-32 and col.9 lines 25-30; wherein Blum also discloses capability to form the index bit string as claimed).

With regards to claim 2, Blaum et al discloses that each of the plurality of storage areas is associated with index pattern that is unique to each storage area (see col.6 lines 15-17).

With regards to claims 3,15 and 16, Blaum et al discloses that hamming distance between any two of the index patterns is a predetermined value or greater (see col.10 lines 24-25; wherein SSN code also comprises sector pattern).

With regards to claims 4-6 and 17-26, Blaum et al discloses that the storage apparatus further comprises a provisional index/sector pattern obtaining unit... (new pattern created by slide/shift is considered as provisional); a first/second hamming distance calculator... an index/sector pattern verifying unit... and a position/storage area recognizing unit... (see col.7 line 50 to col.8 line 13 and col.10 line 30 to col.11 line 55).

With regards to claims 13 and 14, Blaum et al further discloses that in each storage area, each of the plurality of index pattern is associated with a unique sector pattern that is unique to each index pattern (see col.5 line 46 to col.6 line 6).

With regards to claims 27-38, the storage medium limitations recited in claims 27-38 are similar to the limitations treated in claims 1-26, respectively, therefore the rejection applied to claims 1-26 above in this office action is also applied to claims 27-38, respectively.

#### **Prior Art Cited**

Reference to Rodrigues de Miranda (6,404,582) cited as of interest.

Reference to Blaum et al (5,903,410) cited as of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A. Kapadia whose telephone number is (571)272-7557. The examiner can normally be reached on Mon Tue and Thurs. from 6:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571 272 7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
VK

  
DAVID HUDSPETH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600